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In the Matter of)	
)	
Adjustment of the Rates for)	Docket No. 96-6
Noncommercial Educational)	CARP NCBRA
Broadcasting Compulsory License)	

RESPONSE OF THE PUBLIC BROADCASTERS
TO ASCAP'S MOTION TO STRIKE
CERTAIN PORTIONS OF
PUBLIC BROADCASTERS' PROPOSED REPLY
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Public Broadcasters hereby respond to ASCAP's motion to strike the alternative trending formula set forth in Appendix A of their Proposed Reply Findings of Fact and Conclusions of Law.

The Public Broadcasters' Reply Appendix A contains a series of mathematical calculations -- based solely upon data and evidence in the record in this proceeding -- which challenges the basic premises of ASCAP's "trending formula" and establishes that correcting the major conceptual shortcomings of ASCAP's trending formula would generate a substantially lower fee than ASCAP has proposed. A number of its core points were developed on cross-examination of Dr. Boyle. It is offered solely and exclusively in response to ASCAP's proffer of its own trending formula.

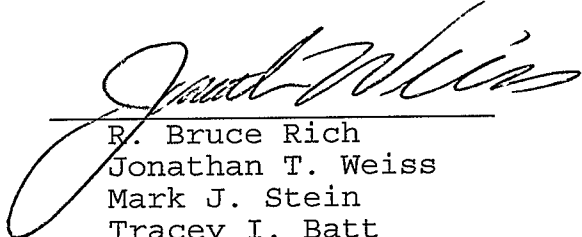
ASCAP incorrectly characterizes Reply Appendix A as an "alternate rate-making methodology" while, without apparent pause, characterizing its own trending formulas as mere "observations," not "ratemaking methodolog[ies]," which have been offered by ASCAP simply "to corroborate" its fee proposals. What is sauce for the goose is sauce for the gander: just as ASCAP's methodology is offered to corroborate its ratemaking methodology, the Public Broadcasters' alternate data are offered to impeach the validity of ASCAP's approach. It is entirely appropriate to offer these data as such.

The instant motion is itself an improper attempt to provide the Panel with a sur-reply submission.

CONCLUSION

For the reasons set forth above, ASCAP's motion to strike should be denied in its entirety.

Respectfully submitted,



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National Public Radio and
The Corporation For Public Broadcasting

Date: June 15, 1998

**Before the
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In the Matter of)	
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Noncommercial Educational)	CARP NCBRA
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CERTIFICATE OF SERVICE

I am an associate at Weil, Gotshal & Manges LLP. I caused to be served on June 16, 1998 true copies of the Response of the Public Broadcasters to ASCAP's Motion to Strike Certain Portions of Public Broadcasters' Proposed Reply Findings of Fact and Conclusions of Law as follows:

By hand delivery: Beverly A. Willett, Esq.
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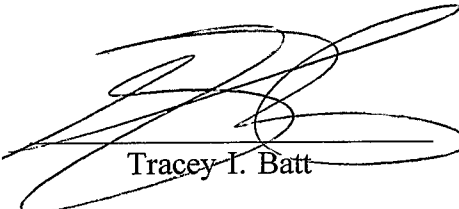
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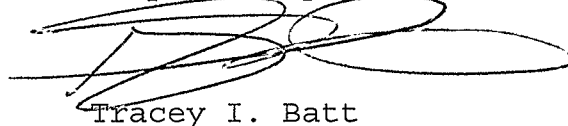
The Honorable Lewis Hall Griffith
The Honorable Jeffrey S. Gulin
The Honorable Edward Dreyfus
c/o Gina Giuffreda
Copyright Arbitration Royalty Panel
Library of Congress
Room LM-403, James Madison Memorial Building
101 Independence Avenue, S.E.
Washington, D.C. 20540

Re: Noncommercial Educational Broadcasting
Compulsory License, Docket No. 96-6 CARP
NCBRA

Dear Judges Griffith, Gulin and Dreyfus:

Please find enclosed an original and five copies of the Response of the Public Broadcasters to ASCAP's Motion to Strike Certain Portions of Public Broadcasters' Proposed Reply Findings of Fact and Conclusions of Law.

Respectfully,



Tracey I. Batt